



# Requisitioned Land and War Works Act 1948

## 1948 CHAPTER 17

An Act to continue certain provisions of the Requisitioned Land and War Works Act, 1945, to make permanent certain other provisions thereof, and otherwise to amend that Act; to amend the Compensation (Defence) Act, 1939, as respects compensation for the taking of possession of land; to make further provision, by the amendment of those Acts and otherwise, as respects the maintenance and use of certain oil pipelines and the compensation therefor ; and for purposes connected with the matters aforesaid. [19th February 1948.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *General provisions as to Requisitioned Land and War Works Act, 1945*

#### **1 Continuance of provisions of Act of 1945**

- (1) The proviso to subsection (5) of section five of the Transitional Powers Act (under which the continuance and extension to transitional purposes under that Act of the powers exercisable under Parts II, V and VI of the Act of 1945 does not have effect unless it is certified that work was done or land was used for the purposes specified in subsection (1) of section one of the first-mentioned Act) is hereby repealed; and any reference in the said subsection (5) to the purposes so specified shall include a reference to the additional purposes specified in subsection (1) of section one of the Supplies and Services (Extended Purposes) Act, 1947.
- (2) The following provisions of the Act of 1945, that is to say—
  - (a) section thirty-five (which temporarily amends the procedure for acquisition under the Defence Acts); and

- (b) sections forty and forty-one (which provide, where notice to treat is given before the expiration of two years from the end of the war period, for the adjustment of compensation so as to eliminate the effect of government war work),

shall have effect as if the expression " war period " included any period during which the Transitional Powers Act is in force; and paragraph 18 of the Fifth Schedule to the Fire Services Act, 1947, (which in relation to the acquisition of land by fire authorities continues the provisions of the said sections forty and forty-one in like manner as they are continued by this subsection) is hereby repealed.

- (3) Sections thirty-three and thirty-four of the Act of 1945 (which confer power to acquire easements and restrictive rights and to acquire particular levels and reversionary interests) shall have permanent effect.

## 2 Acquisition of agricultural land where use in existing units is affected by government war work

The following subsection shall be added to section six of the Act of 1945 (which provides for the acquisition of land depreciated by government war work in order to secure its rehabilitation):—

“(3) Whether there are government war works on the land or not, in the case of land which is being used for agriculture (as defined in the Agriculture Act, 1947) or for forestry, or which, if not being so used, was being so used at any time after the twenty-third day of August, nineteen hundred and thirty-nine and in the opinion of the Minister of Agriculture and Fisheries ought to be brought back into such use, the power of acquisition shall be exercisable where the said Minister is satisfied that—

- (a) the effect on the land of government war work or government war use is such that without a permanent adjustment of boundaries between the land and other land the most efficient use of the land either for agriculture (as defined as aforesaid) or for forestry will be prevented, and
- (b) the adjustment is only likely to be made if the land is acquired by virtue of this Part of this Act.”

## 3 Highways

- (1) Where a Minister certifies as respects any highway—

- (a) that in the circumstances existing at a time before the twenty-fourth day of February, nineteen hundred and forty-six an order could have been made under Regulation sixteen, fifty-two or sixty-nine A of the Defence (General) Regulations, 1939, as in force at that time, stopping up or diverting the highway; and
- (b) that the exercise of the right to use the highway has been continuously prevented since that time, but without the making of such an order;

then section fifteen of the Act of 1945 (which provides for the permanent stopping up or diversion of highways stopped up in the exercise of emergency powers) shall apply as if the exercise of the right to use the highway had been prevented in pursuance of such an order.

- (2) For the purposes of the said section fifteen, and of sections sixteen and twenty-one of the Act of 1945 (which provide for the retention of railways, cables and pipes where a highway is not stopped up and for the temporary continuation of orders for the stopping up or diversion of highways), the expression " war period " in the Act of 1945 shall include any period during which the Transitional Powers Act is in force.

#### **4 Discharge or modification of easements over land acquired under Defence Acts**

- (1) Subject to the provisions of this section, the provisions of Part II of the Act of 1945 as to the discharge or modification of restrictions on the user of land arising by virtue of contract, and of section forty-one of that Act as to the adjustment of compensation on the discharge or modification of such restrictions, shall apply to easements over land which a Minister has acquired under the said Part II or has power so to acquire, or would have power so to acquire if he did not already own it, as if an easement were such a restriction.
- (2) Subject to the provisions of this section, where a Minister having power, otherwise than by virtue of the said Part II, to acquire land under the Defence Acts has so acquired or proposes so to acquire any land which is subject to an easement, he may, by notice served on the persons and in the manner on whom and in which under those Acts notice to treat would be required to be served for the compulsory acquisition of the dominant tenement, extinguish the easement or modify it in such manner and to such extent as may be specified in the notice; and the provisions of subsections (3) and (4) of section seven of the Act of 1945 (which provide for compensation where a restriction is discharged or modified under that section) and the said section forty-one thereof shall with the prescribed adaptations apply where an easement is extinguished or modified under this subsection.
- (3) Where apart from this subsection any easement, being a right of way or right of laying down, erecting, continuing or maintaining any apparatus on, under or over land, could be extinguished or modified under either of the two last foregoing subsections, and any interest in the dominant tenement is vested in the person carrying on a statutory undertaking (as defined in the Town and Country Planning Act, 1947) for the purpose of the carrying on thereof, the following provisions of the Town and Country Planning Act, 1944, that is to say—
- (a) section twenty-five (which relates to the extinguishment of rights of way and rights as to apparatus of statutory undertakers and to compensation therefor),
  - (b) sections twenty-six and twenty-seven (which relate to the extension and modification of powers and duties of statutory undertakers and the relief of statutory undertakers from obligations the fulfilment of which has been rendered impracticable), and
  - (c) the Schedules referred to in those sections,
- shall, with the prescribed adaptations, apply as respects the interest of the person carrying on the statutory undertaking, and shall so apply in substitution for any corresponding provisions of the Act of 1945 or of subsection (2) of this section.

#### **5 Application of Part VIII of Act of 1945 to compensation to certain tenants in Northern Ireland**

In the case of a notice to quit given under section seven of the Northern Ireland Land Act, 1929 (which provides for the giving of notice to tenants in certain cases subject to the payment of compensation of an amount calculated by reference to the rateable

value of the holding and any buildings thereon) at any time during the period during which, on the compulsory acquisition of land by a Minister, compensation falls to be adjusted in accordance with Part VIII of the Act of 1945 (which provides for adjusting compensation to offset changes in value due to government war work and other circumstances arising while a Minister or person acting under him is in occupation of land) the said Part VIII shall apply in assessing the compensation under the said section seven as if references in the said Part VIII to the compulsory acquisition of land as therein mentioned were references to the service of notice to quit under the said section seven, and as if references to the land acquired were references to the holding or part of the holding to which the notice to quit relates:

Provided that this section shall not have effect where the amount of the compensation in consequence of a notice to quit given before the commencement of this Act has been agreed or determined before the seventeenth day of January, nineteen hundred and forty-eight.

## **6 Minor and consequential amendments**

The Act of 1945 shall have effect subject to the amendments specified in the Schedule to this Act, being minor amendments and amendments consequential on the foregoing provisions of this Act.

### *Compensation for taking possession of land*

## **7 Amount of rental compensation for requisitioned land**

- (1) In relation to rental compensation in respect of the taking possession of land, that is to say compensation calculated in accordance with paragraph (a) of subsection (1) of section two of the Act of 1939 by reference to the rent which might reasonably be expected to be payable by a tenant in occupation of the land, the said section two shall have effect, as respects any period after the commencement of this Act, subject to the provisions of this section.
- (2) So much of proviso (i) to subsection (1) of the said section two as provides, in relation to rental compensation, for disregarding any appreciation of values due to the emergency shall not have effect, but—
  - (a) rental compensation shall not in any case exceed the maximum applicable in that case under the next following section;
  - (b) where the taking possession of land which gives rise to rental compensation has occurred before the appointed day for the purposes of the Town and Country Planning Act, 1947, the rental compensation shall be assessed on the assumption that at all material times the land was subject to such a permanent restriction of development as is specified in subsection (3) of section fifty-five of the said Act of 1947.
- (3) Where possession of any land is or has been retained in exercise of the right conferred by subsection (2) of section twenty-eight of the Act of 1945 on the determination of some other right not conferred by emergency powers, this and the three next following sections shall apply as if possession had been taken on the determination of that other right.

## **8      Maxima for rental compensation**

- (1) Where the requisitioned land consists only of rent-restricted land, the rental compensation shall not exceed the permissible rent.
- (2) Where the requisitioned land includes no rent-restricted land, the rental compensation shall not exceed one hundred and sixty per cent. of what would be the amount thereof, calculated by reference to the level of rental values obtaining in respect of comparable land at the thirty-first day of March, nineteen hundred and thirty-nine, instead of by reference to the level obtaining immediately before possession of the land was taken, but otherwise in accordance with the Act of 1939 as originally enacted.
- (3) Where the requisitioned land consists partly of rent-restricted land and as to the remainder of other land, there shall be ascertained—
  - (a) the amount which under subsection (1) of this section would be the limit of rental compensation if the requisitioned land consisted only of the rent-restricted land, and
  - (b) the amount which would be the limit of rental compensation for the whole of the requisitioned land if none of it were rent-restricted land,and the rental compensation shall not exceed the aggregate of the amount ascertained under paragraph (a) of this subsection and so much of the amount ascertained under paragraph (b) thereof as is properly apportionable to that part of the requisitioned land which is not rent-restricted land.
- (4) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say:—
  - " requisitioned land " means the-aggregate of the land in respect of which, in any case, rental compensation falls to be assessed;
  - " rent-restricted land " means land consisting of one or more rent-restricted properties or parts thereof and of no other land;
  - " rent-restricted property " means a property (whether or not the subject of a tenancy) in the case of which the following conditions are fulfilled, that is to say—
    - (a) that immediately before the time when possession was taken of the property or part thereof in question the property or part was being used for residential purposes, or if it was not then being used that it had been used for residential purposes when last used before that time, and
    - (b) that if an unfurnished tenancy of the property had been granted immediately before the said time the amount of the rent recoverable under the tenancy would have been restricted by the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939;
  - " permissible rent " means—
    - (a) in relation to a rent-restricted property, the maximum rent which would in accordance with the last-mentioned Acts' have been recoverable under the tenancy referred to in paragraph (b) of the last foregoing definition, on the assumption that the tenant undertook to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses if any, necessary to maintain the property in a state to command that rent,
    - (b) in relation to part of a rent-restricted property, so much of the said maximum rent as is properly apportionable thereto;

- (c) " unfurnished tenancy " means a tenancy under which a property is let for residential purposes, not being a tenancy where the application of the said Acts of 1920 to 1939 is excluded by reason of the property being let at a rent including payments in respect of board, attendance or use of furniture.

## **9 Application of provisions as to rental compensation where land requisitioned before commencement of Act**

- (1) Where the taking possession of land which gives rise to rental compensation occurred before the commencement of this Act, the Act of 1939 and section seven of this Act shall have effect subject to the provisions of this section.

- (2) The rental compensation shall be assessed by reference to the level of rental values obtaining in respect of comparable land at the commencement of this Act, instead of by reference to the level obtaining immediately before possession of the land was taken:

Provided that section seven of this Act and this subsection shall not have effect in relation to the rental compensation payable in respect of any land to any person, unless he or a person previously entitled to the rental compensation in respect of that land has made application in that behalf in such form and manner and to such authority as may be provided by rules made by the Treasury under the Act of 1939 and not later than the expiration of six months from the commencement of this Act or such longer period as that authority may in special circumstances allow.

- (3) No application for an increase of rental compensation under section forty-five of the Act of 1945 (which provides for increasing rental compensation which has been determined by reference to a level of rental values lower both than the level obtaining on the thirty-first day of March, nineteen hundred and thirty-nine, and than that obtaining on the appointed day for the purposes of the said section forty-five) shall be of any effect if made after the expiration of six months from the commencement of this Act or such longer period as the authority to which under that section applications thereunder are required to be made may in special circumstances allow.
- (4) Nothing in section seven of this Act shall operate, in a case falling within this section, so as to reduce the amount of rental compensation below the amount which would be payable apart from that section, whether by virtue of the Act of 1939 as originally enacted or by virtue of any increase under the said section forty-five.
- (5) Any increase of rental compensation payable by virtue of section seven of this Act in a case falling within this section shall be payable as from the commencement of this Act or the date when the person making application for the increase became entitled to the rental compensation, whichever is the-later.

## **10 Amount of compensation in respect of making good requisitioned land**

- (1) Proviso (ii) to subsection (1) of section two of the Act of 1939 (which provides that the compensation payable under paragraph (b) of that subsection in respect of damage to land occurring during the period of requisition shall not exceed the value of the land at the time when possession thereof was taken, no account being taken of any appreciation in the value thereof due to the emergency) shall not have effect as respects compensation under the said paragraph (b) accruing due after "the commencement of this Act, but subject to the provisions of subsection (4) of this section such compensation shall not exceed the amount by which the compulsory

purchase price of the land in the state in which it was when the compensation accrued due falls short of what would have been the compulsory purchase price of the land if it had then been in the state in which it was when possession of the land was taken.

- (2) In this section the expression " compulsory purchase price," in relation to any land, means the amount of the compensation (excluding any compensation for disturbance or for severance or injurious affection) which would be payable on the compulsory acquisition by a Government department or other public or local authority, in pursuance of a notice to treat served immediately before the compensation under the said paragraph (b) accrued due, of a freehold interest in the land free from encumbrances but subject to any easement or other restriction affecting the land at the date of the 'notice to treat.
- (3) For the purposes of this section, the compulsory purchase price of land in the state in which it was when compensation under the said paragraph (b) accrued due shall be calculated without regard—
- (a) to war damage occurring during the period for which possession of the land was retained; or
  - (b) to any work done during that period in respect of which on such a compulsory acquisition as aforesaid subsection (2) or (3) of section forty-one of the Act of 1945 (which provide for taking into account increases of value paid for in whole or in part by persons interested in the land) would apply;
- but notwithstanding anything in the said section forty-one regard shall be had in calculating the said' price to all other damage occurring or work done on the land during that period.
- (4) Where during the period for which possession of the land was retained damage (other than war damage) occurred to any such work as is mentioned in paragraph (b) of the last foregoing subsection, the amount to which the compensation is limited by virtue of subsection (1) of this section shall be increased so as to take account of that damage to such extent as may be just having regard to any such expense, agreement or payment as is mentioned in subsection (2) or (3) of the said section forty-one.
- (5) Section fifty-four of the Act of 1945 (which provides for certain purposes that where a payment in respect of the value of works has been made under Part II of that Act the provisions as to compensation of section two of the Act of 1939 shall have effect as if a new period of requisition had begun on the date of the payment) shall not have effect as respects compensation under paragraph (b) of subsection (1) of the said section two.

## **11 Minor amendments as to compensation for taking possession of land**

- (1) There is hereby repealed so much of proviso (i) to subsection (1) of section two of the Act of 1939 as provides for disregarding any appreciation of values due to the emergency in computing for the purpose of compensation the amount which an incoming tenant of agricultural land might have been expected to pay in addition to rent.
- (2) Nothing in section three of the Act of 1939 (which provides for compensation in respect of the doing of work on land) shall apply, or be deemed ever to have applied, to damage to land occurring while possession of the land is retained.

*Government oil pipe-lines***12 Permanent power to maintain government oil pipe-lines**

- (1) In relation to government oil pipe-lines and works accessory thereto subsection (1), and paragraph (a) of subsection (3), of section twenty-eight of the Act of 1945 (which authorise the maintenance and use of government war works for the purpose of the public service or for any other purpose for which they were maintained or used in the exercise of emergency powers, and preserve the rights of persons using the works) shall, subject to the provisions of this Act, have permanent effect.
- (2) In relation to government oil pipe-lines and works accessory thereto the powers conferred by the said section twenty-eight shall include power to maintain and use any such line, or accessory works, or authorise the use thereof, for any purpose for which they are suitable.
- (3) In this Act the expression " government oil pipe-line " means any government war works being the whole or part of a main or pipe installed for the transmission of petroleum.
- (4) A Minister may remove any main or pipe or part thereof, being a government oil pipe-line, or any works accessory thereto, and may replace any such thing previously removed; and section twenty-eight of the Act of 1945 and this Act shall apply to any replacement as if it had been the original thing removed.
- (5) If in pursuance of an agreement with a Minister a government oil pipe-line is diverted, or any works accessory thereto are moved to a new site, the said section twenty-eight and this Act shall apply to the line as diverted, or to the works on the new site, as the case may be, as if it or they had been the original line or works.
- (6) If without the consent of a Minister any building or structure is erected over a government oil pipe-line or works accessory thereto or the site of such a line or such works, or so near thereto as to obstruct the use of the line or works or access thereto or to the site thereof, a Minister may cause the building or structure to be removed and may recover the cost of the removal from the person by whom the building or structure was erected.
- (7) Any person who without lawful authority tampers with, alters or removes a government oil pipe-line or works accessory thereto shall be liable on summary conviction to a fine not exceeding ten pounds.

**13 Compensation in respect of government oil pipe-lines**

- (1) In respect of the exercise of the powers conferred by the last foregoing section, compensation shall be payable by the Minister of Works in accordance with the following provisions of this section.
- (2) Where the value ' of any land is diminished by the coming into operation of the last foregoing section, compensation for the diminution shall be payable in the form of a lump sum of such amount as may be agreed between the Minister of Works and the persons interested in the land or, in default of agreement, as may be determined by arbitration in the prescribed manner; and compensation under this subsection shall be divisible among the said persons in such shares as they may agree, or in default of agreement, as may be determined as aforesaid.



- (3) In assessing compensation under the last foregoing subsection regard shall be had to the rights to compensation conferred by subsection (6) of this section, and to the following provisions of this Act and the provisions of regulations thereunder.
- (4) The right to compensation conferred by subsection (2) of this section shall as respects any period after the commencement of this Act be in substitution for any right to compensation under subsection (2) of section three of the Act of 1939 (which provides for compensation in respect of the doing of work on land by reference to the diminution of the annual value of the land); and interest on any share of compensation under subsection (2) of this section, at the like rate as is for the time being payable on compensation under the Act of 1939, shall run as from the commencement of this Act and be payable at the time when the share is paid.
- (5) Where under subsection (4) of section three of the Act of 1939 (which provides for the termination of compensation under subsection (2) of that section and its replacement by a lump sum payment calculated by reference to the depreciation of estates and interests in land) any payment has been made before the commencement of this Act in respect of a government oil pipe-line or works accessory thereto, the payment shall be treated as a payment in respect of the estate or interest in question on account of the share attributable to that estate or interest of any compensation under subsection (2) of this section, and interest under the last foregoing subsection shall be reduced accordingly; and after the commencement of this Act no payment under subsection (4) of the said section three shall be made in respect of a government oil pipe-line or works accessory thereto, whether it accrued due before or after the commencement of this Act :  
  
Provided that in the case of a payment under the said subsection (4) which accrued due to any person before the commencement of this Act but has not been made before the commencement thereof, the said person shall be entitled to interest on the payment in accordance with the provisions in that behalf of the Act of 1939 as from the date when the payment accrued due until the commencement of this Act.
- (6) Where in the exercise of any power of use, maintenance, removal or replacement of a government oil pipe-line or works accessory thereto which is conferred by the last foregoing section a person suffers loss by reason of damage to crops or other growing things, stock, chattels or any land or buildings or works on, under or over land, he shall be entitled to compensation in respect of the damage of such amount as may be agreed between the Minister of Works and the person in question or, in default of agreement, as may be determined by arbitration in the prescribed manner.
- (7) The Treasury may by regulations require, as a condition of the payment of compensation under this section, that except in such circumstances as may be prescribed a claim shall be made in the prescribed form and manner and within such period as may be determined by or under the regulations; and references in subsection (2) of this section to persons interested in land do not include such persons who fail duly to make a claim required by regulations under this subsection.

## **14 Registration of rights as to government oil pipe-lines**

- (1) Subject to the provisions of this section, section twelve of this Act shall not after the thirty-first day of December, nineteen hundred and forty-nine, apply to any pipe-line, or works accessory thereto, unless the rights conferred by subsection (1) of that section have been registered in the prescribed manner in the appropriate register of local land charges.

(2) The Treasury may by regulations require, as a condition of the payment of compensation under subsection (2) of the last foregoing section, that the prescribed documents of title to interests in land shall be endorsed in the prescribed manner and that the prescribed evidence shall be produced of the endorsement; and the last foregoing subsection shall not apply where evidence of an endorsement has been produced in accordance with the regulations.

(3) Where a pipe-line is diverted, or works are moved, as mentioned in subsection (5) of section twelve of this Act, subsection (1) of this section shall not apply to the line as diverted or to the works on the new site, but the said section twelve shall not as against a purchaser (as defined in the Land Charges Act, 1925) apply if the purchase was completed after the agreement for the diversion of the line or moving of the works unless the rights conferred by that section have been registered as aforesaid before the completion of the purchase:

Provided that section four of the Law of Property (Amendment) Act, 1926 (which relates to the date of effective registration and to priority notices), shall apply for the purposes of this subsection as if the registration of the said rights were to be made in pursuance of the Land Charges Act, 1925.

(4) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of this section, and in subsection (1) of this section the expression "prescribed" means prescribed by rules made in the exercise of that power.

## **15 Supplementary provisions as to government oil pipe-lines**

- (1) Any person authorised in that behalf by a Minister may, for the purpose—
- (a) of exercising any powers conferred by section twelve of this Act, or
  - (b) of restoring land where a government oil pipe-line or works accessory thereto are abandoned, or
  - (c) of inspecting any such land or works,

enter upon any land of which the Minister is not in possession:

Provided that—

- (i) except in a case of emergency or for the purpose of inspection by a person producing, if required, written evidence of his authority so to do, entry upon any land shall not be demanded as of right unless reasonable notice of the intended entry has been served on the occupier of the land in the manner provided by paragraphs (i) to (v) of subsection (1) of section eight of the Act of 1945;
  - (ii) where otherwise than for the purpose of inspection only any land has been entered upon in pursuance of this subsection without notice being served as aforesaid on the occupier of the land, the Minister shall forthwith cause notice of the entry to be served on the occupier in the manner aforesaid.
- (2) Subsections (6) and (7) of section thirteen of this Act shall apply in relation to powers conferred by the last foregoing subsection as they apply to the powers mentioned in the said subsection (6).
- (3) Sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845 (which restrict the working of minerals, subject to the payment of compensation)

as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, shall apply in relation to any government oil pipeline or works accessory thereto with the substitution—

- (a) for references to the railway of references to the pipeline or works;
- (b) for references to the company of references to the Minister or other person entitled to use the pipe-line or works;
- (c) for references to the Special Act of references to section twenty-eight of the Act of 1945.

(4) The Treasury may make regulations—

- (a) for the protection of persons affected by the maintenance and use of government oil pipe-lines and works accessory thereto, and in particular for requiring the Minister or other person entitled to the use thereof to keep any such line and works in good repair, to take such steps as may be prescribed for restoring -land where any such line or works are abandoned, and to indemnify persons against loss or damage caused by any failure to keep any such line or works in good repair, and for relieving statutory undertakers and other persons of liabilities or obligations arising in consequence of any such failure or any exercise of the powers conferred by section twelve of this Act or this section;
- (b) for requiring notice to be given where a government oil pipe-line or works accessory thereto are abandoned, and for discontinuing the operation of provisions of section twelve of this Act or this section, or of regulations under this subsection, where such a notice is given;
- (c) for applying in relation to government oil pipe-lines passing under highways the provisions of Part VI of the Third Schedule to the Water Act, 1945 (which relates to the breaking-up of highways for the purposes of repairing pipes thereunder) and for excluding in relation to government oil pipe-lines the provisions of section sixteen of the Act of 1945.

### *Supplementary*

## **16 Expenses**

There shall be defrayed out of moneys provided by Parliament—

- (a) any increase in consequence of this Act in the sums payable under the Act of 1939 or the Act of 1945 out of moneys so provided;
- (b) any other expenses of a Minister incurred under the provisions of this Act relating to easements over land acquired or proposed to be acquired under the Defence Acts or to government oil pipe-lines.

## **17 Regulations**

- (1) Save as provided by this Act, the Treasury may by regulations prescribe anything authorised or required by this Act to be prescribed.
- (2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.
- (3) Any statutory instrument made under this Act shall be subject to annulment by resolution of either House of Parliament.

**18 Application to Scotland**

- (1) This Act shall apply to Scotland subject to the modifications set out in this section.
- (2) For any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Secretary of State for Scotland.
- (3) —
  - (a) For references to the Town and Country Planning Act, 1947, and to subsection (3) of section fifty-five and subsection (3) of section seventy-five of that Act there shall be respectively substituted references to the Town and Country Planning (Scotland) Act, 1947, and to subsection (3) of section fifty-two and subsection (3) of section seventy-two of that Act.
  - (b) For references to the Railways Clauses Consolidation Act, 1845, and to the following provisions of that Act, that is to say, sections seventy-eight to eighty-five, there shall be respectively substituted references to the Railways Clauses Consolidation (Scotland) Act, 1845, and to sections seventy-one to seventy-eight of that Act. .
  - (c) For any reference to Part VI of the Third Schedule to the Water Act, 1945, there shall be substituted a reference to section seventy of, and Part I of the Third Schedule to, the Water (Scotland) Act, 1946.
  - (d) For references to the Town and Country Planning Act, 1944, and to the following provisions of that Act, that is to say, sections twenty-five, twenty-six and twenty-seven, there shall be respectively substituted references to the Town and Country Planning (Scotland) Act, 1945, and to the following provisions of that Act, that is to say, sections twenty-four, twenty-five and twenty-six.
- (4) The expression " easement " includes servitude; the expression " freehold interest in land " shall be construed as a reference to the dominium utile or, in the case of land other than feudal land, the ownership of the land; and the expression " reversionary interest " shall be construed as a reference to the interest of the landlord in land subject to a lease.
- (5) For section fourteen the following section shall be substituted:—
  - (1) Section twelve of this Act shall not, after the thirty-first day of December, nineteen hundred and forty-nine, apply to a government oil pipe-line running through, or any works accessory thereto on, any land unless the Minister has executed and recorded in the appropriate register of sasines a deed of servitude granting to himself the rights conferred by subsection (1) of the said section twelve.
  - (2) Where the Minister executes a deed under the foregoing subsection, he shall give notice of the effect thereof in such manner as is in his opinion best adapted for informing the persons affected."
- (6) Paragraph 3 of the. Schedule shall not apply.

**19 Application to Northern Ireland**

- (1) This Act shall apply to Northern Ireland subject to the modifications set out in this section.

- (2) The following provisions shall not apply, namely, paragraph (b) of subsection (2) of section seven, sections twelve to fifteen and paragraph 10 of the Schedule.
- (3) Any reference to a provision contained in Part III of the Act of 1945 shall be construed as a reference to that provision as applied to Northern Ireland by section twelve of the Northern Ireland Act, 1947.
- (4) Section four shall have effect as if the enactments referred to in subsection (3) thereof extended to Northern Ireland, and as if any reference therein to the prescribed adaptations were a reference to such adaptations as may be prescribed for the purposes of that section as it applies to Northern Ireland.
- (5) Subsection (4) of section eight shall have effect as if for the reference to the Rent and Mortgage Interest Restrictions Acts, 1920 to 1939 there were substituted a reference to the Rent and Mortgage Interest (Restrictions) Acts (Northern Ireland) 1920 to 1944.
- (6) Paragraph 3 of the Schedule shall have effect as if for the reference to a County Agricultural Executive Committee established under the Agriculture Act, 1947, there were substituted a reference to any committee or body exercising substantially similar functions under any corresponding enactment of the Parliament of Northern Ireland.

## **20 Short title, citation, construction and interpretation**

- (1) This Act may be cited as the Requisitioned Land and War Works Act, 1948, and this Act and the Act of 1945 may be cited together as the Requisitioned Land and War Works Acts, 1945 and 1948.
- (2) This Act shall be construed as one with the Act of 1945, so however that in the provisions thereof amending the Act of 1939 expressions have the meanings assigned to them by the Act of 1939.
- (3) In this Act—
  - the expression " the Act of 1945 " means the Requisitioned Land and War Works Act, 1945 ;
  - the expression " the Act of 1939 " means the Compensation (Defence) Act, 1939;
  - the expression " the Transitional Powers Act " means the Supplies and Services (Transitional Powers) Act, 1945
- (4) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended or extended by any other enactment, including this Act.

## SCHEDULE

Section 6.

### MINOR AND CONSEQUENTIAL AMENDMENTS OF ACT OF 1945

- 1      For the purposes of subsection (2) of section eight and of subsection (4) of section seventeen (which require proposals of a Minister to exercise the powers under the Act to be referred to the War Works Commission where an objection is made) and of any other provision referring to an objection such as is mentioned in either of those subsections, no account shall be, or be deemed ever to have been, required to be taken of an objection which is withdrawn.
  
- 2      In section eleven, in subsection (3) (which lays down the principles on which the War Works Commission are to act in considering proposals for the acquisition of land on the grounds specified in section six), for the words from " on the ground that " to " total or partial rehabilitation thereof" there shall be substituted the words " under section six of this Act ".
  
- 3      In section thirteen (which provides for disregarding work done' on land possession of which has been taken for agricultural purposes by the Minister of Agriculture and Fisheries or by the War Agricultural Executive Committee) the reference to the War Agricultural Executive Committee shall include a reference to a County Agricultural Executive Committee established under the Agriculture Act, 1947.
  
- 4      As respects Scotland, in the said section thirteen the reference to the War Agricultural Executive Committee shall include a reference to any committee exercising under any enactment relating to Scotland (whether passed before or after the commencement of this Act) and corresponding to the Agriculture Act, 1947, functions similar to those exercised by a County Agricultural Executive Committee established under the last-mentioned Act.
  
- 5      In section fourteen, in subsection (3), the words " or the order is made " are hereby repealed.
  
- 6      (1) Where in pursuance of an order made under section fifteen any highway is permanently stopped up or diverted, and immediately before the date on which the order became operative there was under, in, upon, over, along or across the highway any telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the highway had not been stopped up or diverted:  
  
 Provided that if any person entitled to land over which the highway subsisted requires that the telegraphic line should be altered, paragraphs (1) to (8) of section seven of the Telegraph Act, 1878, shall apply to the alteration and accordingly shall have effect, subject to any necessary modifications, as if references therein to undertakers included references to the person so requiring the line to be altered.
  
- (2) In this paragraph the expression "alter" has the same meaning as in the Telegraph Act, 1878.
  
- (3) Nothing in this paragraph shall be construed as limiting the powers conferred by Part IV (which relates to telegraphic lines constructed in the exercise of emergency powers).
  
- 7      In section twenty-one, in subsection (1) (which provides for the temporary continuance of orders made under Defence Regulations for the stopping up or diversion of highways notwithstanding the expiration or revocation of the Defence Regulation in question), the reference to the revocation of a Defence

Regulation shall include, and be deemed always to have included, a reference to any amendment thereof narrowing the power to make orders thereunder.

- 8 In section twenty-nine, in subsection (1) (which, where work has been done on land or the value of land has been diminished, confers for certain purposes a right, as against all persons interested in the land, to enter on any land of which a Minister is not in possession) the words " in the land " where they first occur are hereby repealed.

- 9 The powers conferred by the Act of 1945 to acquire easements shall include power in the like manner and subject to the like provisions to acquire rights, as against all persons affected or to be affected, to take water from a watercourse for the benefit of any land, whether contiguous thereto or not, for the like purposes and .to the like extent as water could be taken by virtue of ownership of land contiguous to the watercourse at the place where it is proposed to take the water.

- 10 (1) The power of a Minister under section fifty-two to make good to any person interested in land the whole or part of expenditure incurred by him in dealing with the land with a view to its rehabilitation shall be extended in accordance with the following sub-paragraph.

(2) Where—

- (a) under subsection (3) of section seventy-five of the Town and Country Planning Act, 1947 (which relates to the exercise by local planning authorities of powers to require owners or occupiers to remove government war works) an authority is liable to bear the whole or any part of the cost of taking the steps required by an enforcement notice relating to such works (whether the steps are taken by the authority or by a person entitled to recover expenditure from the authority), and
- (b) in the opinion of a Minister it is expedient in the public interest that the steps should be taken,

the said power of the Minister shall include power to undertake, either absolutely or subject to such conditions as he may specify, to make good to the authority the whole or any part of the cost which they are liable to bear as aforesaid.